

Preliminary Report: Evaluation of the Court Support Services Division's Supervised Diversionary Program

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Public Act 08-01

- Passed by General Assembly in January of 2008
- Primary goal was to increase public safety by incarcerating more serious offenders for longer periods of time and decreased the likelihood of incarceration for less serious offenders
- Significantly enhanced community-based resources for less serious offenders, including the pretrial population
- Created a “Diversion Program for Offenders with Psychiatric Disabilities” (subsection 41) to be implemented by CSSD

Need for SDP Established from Prior Research

- 2004: Lieutenant Governor's reported that 16% of CT inmates had a serious mental illness
- 2008: CT Annual Recidivism Study reported that 19% of released inmates had a serious mental illness
- 2009: UConn researchers (Julian Ford) published a study finding that approximately 25% of CT's jail population had an undetected mental illness

Diversion Program for Offenders with Psychiatric Disabilities

- Referred to as the “Supervised Diversionary Program” (SDP)
- Provides certain offenders the opportunity to have their charges dismissed if they successfully complete specific probation conditions centered on their psychiatric needs
- Created out concerns that a high number of less serious offenders with psychiatric disorders are taking away significant amounts of criminal justice resources that should be allocated for more serious offenders

Purpose and Goals of SDP

Purpose:

Decrease the number of offenders who are incarcerated with a psychiatric disability or who are not receiving adequate care and/or services to keep them from recidivating

Goals:

1. Divert SDP clients from pretrial incarceration;
2. Improve treatment access and provide community supervision;
3. Expunge clients' criminal records so they can be more successfully re-integrated into the community

SDP Application Process

1. Defendant submits an “Application for Supervised Diversionary Program” to court clerk
2. CSSD reviews application based on:
 - Police report
 - Prior use of the program
 - Assessments (LSI-R and ASUS-R)
 - Mental health assessment
3. CSSD forwards recommendation to court and is reviewed by presiding Judge, State’s Attorney, and Defense Counsel
4. Presiding Judge makes final determination

SDP Supervision

- SDP clients are required to meet with probation officers at least twice a month
- A client can be returned to court if:
 1. he/she refuses all treatment
 2. has a history of persistent noncompliance
 3. his/her probation officer has concerns for the imminent health and safety of the probationer or others
- If returned to court, Judge decides whether to continue the program

Research Questions of the SDP Evaluation

1. Is the SDP being utilized across courts and being implemented in a manner that is consistent with Public Act 08-01?
2. What are the characteristics of SDP participants?
3. How many clients complete the SDP and what are the differences between completers and non-completers?
4. What are the long term effects of SDP participation?

Data Collected from CMIS Downloads

1. Demographics (age, gender, race/ethnicity, marital status, education, and employment);
2. SDP participation (investigation dates, SDP supervision dates, and SDP outcome);
3. Criminal history (arrests, convictions, verdicts, and sentences);
4. Assessments (Level of Service Inventory-Revised and the Adult Substance Use Survey- Revised)

Data Collected from CMIS Casenotes

1. SDP investigation result and reason for denial (if denied);
2. Whether client had prior probation supervision;
3. Whether client is currently on probation at time of SDP supervision;
4. Whether client had prior mental health treatment;
5. Whether client is currently in mental health treatment;
6. Mental health diagnosis;
7. Whether client is taking psychotic medication;
8. Whether client successfully completed the SDP;
9. Whether client was arrested during or after the SDP;
10. Client's housing stability while in the SDP;
11. Were client's charges dismissed after the SDP completion.

SDP Applications From October 1, 2008 through March 28, 2011

	Number (n=1,192)	Percentage
Court Approved SDP	802	74%
Court Denied SDP	176	16%
Court Disposed of Case While SDP Application was Pending	64	6%
Defendant Withdrew Application	38	4%

Applications by Court

	Number of SDP Applications Adjudicated	Number of SDP Approvals	Percentage Approved
Bantam	61	40	65%
Bridgeport	92	53	58%
Bristol	31	26	84%
Danbury	121	103	85%
Danielson	40	28	70%
Derby	28	18	64%
Enfield	99	88	89%
Hartford	72	53	74%
Litchfield	1	1	100%
Manchester	54	37	68%
Meriden	50	35	70%
Middletown	14	4	29%
Milford	33	24	73%
New Britain	33	17	51%
New Haven	55	42	76%
New London	98	81	83%
Norwalk	25	19	76%
Norwich	57	45	79%
Rockville	49	35	71%
Stamford	47	39	83%
Waterbury	20	14	70%

Who is Selected for SDP?

- Males (62%)
- White (72%)
- Never Married (73%)
- Unemployed or disabled (66%)
- No discernable age
- High number of less serious contacts with the CJ system
 - 83% had multiple arrests prior to SDP
 - 3% had been sentenced to prison
 - 37% had a prior probation sentence
- High degree of mental illness and prior treatment (91% were in treatment at the start of SDP and 77% were prescribed psychiatric medication)
- Minimal risk (73% would be classified as low or medium risk based on the LSI-R)

SDP Preliminary Outcomes

1. As of March 28, 2011, 576 clients were still enrolled in the program and 226 were discharged
2. Of these 226:
 - 29 had his/her case disposed before SDP completion
 - 146 (74%) successfully completed SDP and had his/her charge dismissed
 - 51 (26%) did not successfully complete SDP (33 were rearrested)

Who Completes SDP?

- No differences in completion by gender, race, age
- Clients with prior probation sentences and prior mental health treatment were less likely to successfully complete SDP
- Clients with more prior arrests and convictions were less likely to complete SDP

Preliminary Conclusions

- CSSD has created and implemented the SDP according to Public Act 08-01
- Most courts have been receiving applications and granting the SDP at high rates
- The appropriate clients have been accepted into the SDP
- The SDP completion rate is high (74%)
- SDP has been beneficial for those clients whose psychiatric needs are their primary need
- Number of Clients Diverted vs. Number of Charges Dismissed

Next Steps in the Evaluation

1. Update the number of SDP applications and granting rates of the SDP (we should have SDP data on over 600 clients)
2. Collect short and long term follow-up data on remaining SDP participants
3. Talk to judges and other court personnel regarding their perceptions of the SDP